

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his capacity)
as Attorney General of the State of Oklahoma)
and Oklahoma Secretary of the Environment C.)
MILES TOLBERTS, in his capacity as the Trustee)
for Natural Resources for the State of Oklahoma,)

Plaintiff,)

v.)

Case No. CV-05-0329-JOE-SAJ

TYSON FOODS, INC., et al.)

Defendants,)

TYSON FOODS, INC.,)
TYSON POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC., GEORGE'S,)
INC., GEORGE'S FARMS, INC.,)
PETERSON FARMS, INC., SIMMONS FOODS,)
INC., and WILLOW BROOK FOODS, INC.,)

Third-Party Plaintiffs,)

v.)

AUSTIN L. BENNETT and LESLIE A.)
BENNETT, individually and)
d/b/a Eagle Bluff Resort, et al.)

Third-Party Defendants,)

ANSWER OF THIRD PARTY DEFENDANTS
AUSTIN L. BENNETT AND LESLIE A. BENNETT,
INDIVIDUALLY AND D/B/A EAGLE BLUFF RESORT

COME NOW Austin L. Bennett and Leslie A. Bennett, individually and d/b/a Eagle Bluff
Resort, and for their Answer to the Third Party Complaint of the Third Party Plaintiffs herein, deny

both generally and specifically every allegation therein contained, except as shall hereinafter be specifically admitted as true.

1. For their further Answer Defendants can neither admit nor deny the allegations contained in Paragraphs 1 through 60, and 62 through 221, therefore Defendants deny said allegations and demand strict proof thereof.

2. The allegations contained in Paragraph 61 are admitted in part and denied in part. It is admitted that Austin L. Bennett and Leslie A. Bennet own the real property described in Paragraph 61 and are the operators of Eagle Bluff Resorts. It is specifically denied that these Defendants have ever applied fertilizer or chemicals on the described property or that they have improperly maintained the riparian buffers along the Illinois River located upon their property. It is further specifically denied that these Defendants have caused or allowed phosphorous or other constituents to be released from the described property in the Illinois River.

3. Defendants allege that the Third Party Complaint fails to allege facts sufficient to state a claim for relief against these Defendants.

4. Defendants allege that the Third Party Complaint was filed without any adequate factual basis against these Defendants, and is frivolous and filed in bad faith.

5. Defendants deny that the Third Party Plaintiffs are entitled to any relief under the Third Party Complaint against these Defendants.

6. Defendants allege that they are entitled to recover their costs and a reasonable attorneys fee against the Third Party Plaintiffs, together with such relief to which they may be justly entitled.

WHEREFORE, Third Party Defendants pray the Third Party Plaintiffs take nothing by their Complaint, and that the Third Party Defendants have such just relief as is proper, along with their attorney fees and costs herein.

Respectfully Submitted,

WRIGHT, STOUT, FITE & WILBURN

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